

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN ANTHONY RED,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:22-cv-05750-TMC-GJL

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation (“R&R”) of Magistrate Judge Grady J. Leupold, objections to the R&R, if any, and the remaining record, does hereby find and ORDER:

- (1) The R&R is ADOPTED.
- (2) Petitioner’s federal habeas Petition is dismissed without prejudice for failure to prosecute.
- (3) A certificate of appealability is denied in this case.
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. Grady J. Leupold.

DATED this 27th day of December, 2023.



Tiffany M. Cartwright
United States District Court Judge